

# Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023

## Statement of Compatibility

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Mark Ryan, Minister for Police and Corrective Services and Minister for Fire and Emergency Services make this statement of compatibility with respect to the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

## Overview of the Bill

Knife-related crime poses a serious risk to community safety. Since 2019, reported offences where a knife was identified as the most serious weapon has increased by 18% to 12,865 (2022-23 financial year). Furthermore, the number of reported offences committed by a person under the age of 18, where a knife was identified as the most serious weapon, has risen by 22% since 2018-19 to 2,177 (2022-23 financial year).

The Queensland Government has introduced a number of strategies to combat knife-related crime, including introducing the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* (Jack's Law), which expanded police powers allowing officers to use hand-held metal detectors to detect knives in safe knife precincts, on public transport and at public transport hubs throughout Queensland. The Queensland Police Service (QPS) has also implemented successful education campaigns, such as *I live my life...without a knife*. While there are some indicators of success surrounding these strategies, a stronger response is considered necessary to significantly reduce the risks knife crime poses to the community.

In addition to the use of knives in violent crime, Gel Blasters that are replica firearms are also contributing to public safety concerns. In recent months, Gel Blasters have been used in the commission of serious offences, including several armed robberies. Gel Blasters which resemble genuine firearms are restricted items under section 9(f) of the *Weapons Categories Regulation 1997* and are subject to restrictions under the *Weapons Act 1990* (Weapons Act).

In particular, a person must not possess or acquire the item, without a reasonable excuse,<sup>1</sup> such as membership to an association that provides recreational activities involving the replica firearm or because the person holds a collector's licence and the replica firearm is to form part of a collection. Despite current legislative provisions restricting possession of replica firearms, these items are still being used to commit serious offences and have the potential to cause serious psychological harm to victims, bystanders and police officers.

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<sup>1</sup> s67 *Weapons Act 1990*

The objective of the Bill is to advance essential reforms designed to promote community safety, reduce youth offending and minimise the risks associated with knives and other dangerous items by:

- prohibiting the sale of knives and other weapons (known as *controlled items*) to minors;
- making it an offence for a person to falsely represent themselves as being over the age of 18 years for the purpose of being sold a controlled item;
- requiring retailers to display signage advertising the legal prohibition against the sale of controlled items to minors;
- prohibiting controlled items from being sold or advertised in a way that suggests the item is suitable for combat, intended to be used for violence, or likely to stimulate or encourage violent or criminal behaviour involving the item; and
- imposing obligations upon suppliers of particular controlled items to safely secure the items at retail locations.

The Bill will also make consequential amendments to support these reforms, such as:

- extending the prescribed circumstances that allow a police officer to request to see proof of age if they see or reasonably suspect a person under the age of 18 has been sold a controlled item and authorising the police officer to seize the item under certain circumstances.

The Bill will achieve its objectives by amending the following legislation:

- *Summary Offences Act 2005* (SOA); and
- *Police Powers and Responsibilities Act 2000* (PPRA).

By introducing these essential reforms, the Bill aims to reduce the accessibility of these dangerous items to young people, disrupt and deter violent offences, and curb the notoriety of weapon possession. The amendments in the Bill are considered necessary measures to protect the community and minimise the harms caused by the increasing prevalence where knives and other weapon-related items have been used to commit serious offences in the community.

## Human Rights Issues

### **Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

This Bill makes a range of amendments that engage human rights, but any limitation is reasonably justified in a free and democratic society based on human dignity, equality and freedom.

In my opinion, the human rights that are relevant to the Bill are:

- Section 15 ‘Recognition and equality before the law’ of the *Human Rights Act 2019* (HR Act);
- section 16 ‘Right to life’ of the HR Act;
- section 19 ‘Freedom of movement’ of the HR Act;
- section 24 ‘Property rights’ of the HR Act;
- section 25 ‘Privacy and reputation’ of the HR Act;
- section 26 ‘Protection of families and children’ of the HR Act;
- section 29: ‘Right to liberty and security of person’ of the HR Act; and
- section 32: ‘Rights in criminal proceedings’ of the HR Act.

**If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)**

*Extending the prescribed circumstances where a police officer may ask a person for proof of age (at least 18 years) to include the new offences prohibiting sale of a controlled item and allowing a police officer to seize a controlled item where there is no acceptable evidence that the person sold the item is at least 18 years – replacement of section 43A of the PPRA.*

(a) the nature of the right

Section 15 of the HR Act reflects the essence of human rights: that every person holds the same human rights by virtue of being human and not because of some particular characteristic or membership of a particular social group. Discrimination includes (but is not limited to) direct and indirect discrimination as defined in the *Anti-Discrimination Act 1991* (for example on the basis of age, impairment, political belief or activity, race, religious belief or religious activity, sex and sexuality). Subclause (2) provides that every person has the right to enjoy their human rights without discrimination. This provision is modelled on article 26 of the International Covenant on Civil and Political Rights.

This right may potentially be limited by treating a person who is under the age of 18 differently to other members of the community who engage in the same conduct.

In this regard, the Bill will allow a police officer to ask a person under the age of 18 years to provide proof of age regarding the purchase of controlled items, which prior to the Bill, could be purchased regardless of age. Furthermore, where the person cannot show acceptable evidence of age, the police officer may seize the item.

Section 19 of the HR Act states that every person has the right to move freely within Queensland, enter and leave it, and choose where to live if they are lawfully within Queensland.

This right may be limited where a police officer detains a young person to require them to provide acceptable proof of age, or produce an item suspected of being a controlled item, to ensure compliance with the prohibition against the sale of controlled items to minors.

Section 24 of the HR Act protects the right of all people to own property alone or with others. It provides that a person must not be arbitrarily deprived of their property. This right does not include a right to compensation if a person is deprived of their property.

This right may be limited where a police officer seizes a controlled item, sold to a person who could not provide acceptable evidence they are at least 18 years of age.

Section 25(a) of the HR Act provides that a person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

This right may be limited where a police officer requires the person to show proof of age, or produce an item in their possession, to establish whether a controlled item was purchased and/or whether the controlled item was purchased lawfully. This potentially interferes with the person's right to privacy.

Additionally, any person who is suspected of being under the age of 18 may be requested to produce their identification by retail staff in order to facilitate the sale of the controlled item.

If a controlled item is sold in a private sale, the person may also be required to produce acceptable evidence of age to the seller.

Acceptable evidence of age for the purpose of the new division 4B in the Bill may include a driver's licence, proof of age card, or an Australian or foreign passport.

However, many identification documents contain other personal information that may be necessary to establish the person's age, but in an auxiliary capacity is shared with the other person. This other personal information may include, the person's full name, address, educational institution, place of birth / country of origin or licence / passport number.

The requirement for a person to produce acceptable evidence of age may impact upon the person's right to privacy, beyond establishing the person's age. However, it is noted that with the introduction of a digital licencing system, alternative age identification is now available that can be displayed to facilitate the purchase of a controlled item without exhibiting other personal details.

Furthermore, this is a well understood and accepted practice within the community, noting similar requirements already exist to purchase other items, such as tobacco and alcohol.

Section 26(2) of the HR Act states every child has the right, without discrimination, to the protection that is in their best interests as a child. These rights are based on Articles 23(1) and 24(1)-(2) of the International Covenant on Civil and Political Rights. Australia ratified this treaty in 1980.

Interference or limitation with this right may occur by virtue of police contact with a child. Children are considered vulnerable under state laws<sup>2</sup> and international human rights conventions.<sup>3</sup> Whilst there are strict procedures regarding how police officers engage with children, the act of being stopped and questioned by a police officer in order to establish if an offence has occurred, without the presence of a support person such as a parent or caregiver, may create some conflict for the young person. This may be particularly relevant if the contact is viewed negatively by the young person, or if the young person has special needs unknown to the officer (including a history of trauma or distrust) which may impact the young person's responses to the interaction.

Section 29(1) states that every person has the right to liberty and security. This right protects against the unlawful or arbitrary deprivation of liberty. A person must not be deprived of their liberty except on grounds, and in accordance with procedures, established by law.

This right applies to all forms of detention where people are deprived of their liberty, not just criminal justice processes. This can be relevant any time a person is not free to leave a place by their own choice. Allowing a police officer to require a person to provide acceptable proof of age and/or produce an item suspected of being a controlled item, may limit this right.

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<sup>2</sup> *Human Rights Act 2019*

<sup>3</sup> United Nations International Covenant on Civil and Political Rights and Convention on the Rights of the Child

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to improve community safety by reducing knife and weapon-related crime committed by young people. To ensure appropriate compliance with the offence provisions in the Bill and uphold the obligations upon sellers and young people, the interference or limitation with the above-mentioned rights is necessary, appropriate and reasonably justified under section 13(2)(b) of the HR Act.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

In order to prevent minors from purchasing controlled items, the age of the purchaser must be verified. Therefore, the limitations are necessary and will achieve the purpose of the Bill by preventing the sale of these dangerous items to children. Additionally, any interference with the above-mentioned rights are minor when compared with the objective of the Bill.

For example, these amendments will assist in preventing the commission of serious offences involving replica firearms that are Gel Blasters. Gel Blasters have the potential to cause serious psychological harm to victims and may result in physical harm or death to the offender where police believe the item is a genuine firearm and act with proportionate force.

The proposed amendment is rationally connected to the legitimate ends identified above and therefore satisfies section 13(2)(c) of the HR Act.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to achieve the purpose of the Bill.

In recent years, a number of strategies have been implemented in an effort to reduce knife crime in the community. In 2020, the QPS released an education campaign '*I live my life... without a knife*' designed to educate and encourage compliance with laws governing knife possession. Additionally, the recent introduction of Jack's Law has expanded the ability for police officers to use hand-held metal detectors to identify knives unlawfully possessed in safe night precincts, on public transport and at public transport hubs across Queensland.

Despite some success with these initiatives, knife crime continues to occur at a rate that causes significant concerns to the community. Of particular concern is the number of young people possessing knives in public. In the 2021-22 financial year, 742 offences involving the possession of a knife in a public place by a person under the age of 18 years were actioned by police, and a further 750 offences in the 2022-23 financial year<sup>4</sup>.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

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<sup>4</sup> QPS Statistical Services 31 August 2023

Extending the capacity for police or sellers to require proof of age in relation to the sale of a controlled item, and allowing police to seize that item where proof of age cannot be satisfactorily shown, limits a number of human rights.

However, the Amendment Bill also creates a positive duty in relation to section 16 ‘Right to life’ of the HR Act by taking steps to protect the lives of individuals. Those steps include, identifying the increasing risk posed by and to young people possessing knives and other weapons in public and mitigation of the risk, which includes prohibiting the sale of controlled items to people under 18 years of age and the seizure of these items, where evidence of age cannot be satisfactorily shown. Risk mitigation also recognises that young people are more likely to act impulsively and less likely to consider the outcomes of their actions.

On balance, the need to protect the community from knife and weapons-related crime outweighs the limitation of a person’s rights where required to prove they are at least 18 years of age.

(f) any other relevant factors

In circumstances where a police officer seizes a controlled item from a person who cannot show they are at least 18 years of age, the officer may consider charges against the retailer who sold the item, under new part 2, division 4B of the SOA. These provisions are similar to provisions in place which regulates the sale of spray paint to young people.

The young person who has been sold a controlled item, does not commit an offence if they fail to provide acceptable proof of age to a police officer unless the person provides false proof of age. A police officer cannot detain a person to exercise the requirement to provide proof of age. The exercise of the police power of detention is limited to the seizure of a controlled item where the officer reasonably suspects the controlled item is evidence of an offence against the new sections 19G, 19I, 23B or 23C of the SOA.

*Amendments to the SOA to define a controlled item; prohibit the sale of controlled items to a person who is under the age of 18 years; provide how controlled items must be displayed and stored, create penalty provisions for contravening the prohibitions and allow seized items to be forfeited to the State – new part 2, division 4B.*

(a) the nature of the right

Section 15 of the HR Act – as outlined above, this right establishes that every person holds the same human rights by virtue of being human and not because of some particular characteristic or membership of a particular social group.

This right may be limited by prescribing items for everyday use, such as a knife or an axe, or items used in recreational activities, such as a spear gun, as controlled items, and prohibiting the sale of these items to a person who is under the age of 18 years.

Section 16 of the HR Act protects the right to life. This right is a fundamental and basic human right both within Australia and internationally. Under section 16, public entities have both a negative obligation to avoid arbitrarily depriving a person of life, as well as a positive obligation to protect the life of people in their care. This right therefore places an obligation on the Queensland Government to take steps to protect the lives of individuals. Examples include positive measures to address threats to life like malnutrition and infant mortality.

A positive duty is placed on this right by prohibiting the sale of items that are contributing to violent crime by young people, to persons under the age of 18 years. Controlled items, including knives, spears, spear guns and some replica firearms will be required to be securely stored by commercial sellers to prevent a person under the age of 18 years unlawfully obtaining the items (section 19L). Signage must also be displayed advertising the prohibition on sale of controlled items to minors (section 19K).

Penalties under the new provisions range from 20 penalty units where an employee sells a controlled item to a person under the age of 18 years (section 19I) to 420 penalty units apply where a seller, other than an employee sells a controlled item to a person under the age of 18 years (section 19G(1)(c)).

The new provisions aim to reduce serious and violent weapons-related crime by young people.

Section 24 of the HR Act protects the right of all people to own property alone or with others. It provides that a person must not be arbitrarily deprived of their property. This right does not include a right to compensation if a person is deprived of their property.

The right may be limited by the amendment to section 47 of the SOA, which allows the court to order the forfeiture of a controlled item if the court finds the person guilty of an offence under the new sections 19G, 19I and 19M. Items that are forfeited are disposed of under the provisions of the PPRA. This limitation applies equally to both the seller and the buyer.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to reduce violent knife and other weapon-related crime committed by young people by prohibiting the sale of controlled items to any person under 18 years of age. Controlled items, which include knives, spears, spear guns and some restricted replica firearms, such as gel-blasters, must also be secured by those in lawful possession of the items and signage must clearly state the prohibitions.

It is clear that those purposes are proper purposes under section 13(2)(b) of the HR Act.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

Between 6 April 2023 and 31 October 2023 police seized 350 weapons and preferred 309 weapons related offences<sup>5</sup> in safe night districts, on public transport and at public transport hubs. Ongoing reports of young offenders using knives and other weapons to offend is evidenced by a 22% increase in the number of offences actioned by police against persons under the age of 18 years in the last five years. The limitation imposed by the amendments in the Bill will support reforms to disrupt knife and weapon-related crime perpetrated by young people.

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<sup>5</sup> Minister for Police and Corrective Services and Minister for fire and Emergency Services, Ministerial Media Statements, 5 November 2023 <https://statements.qld.gov.au/statements/99058>

The limitation also requires secure storage for controlled items and regulates signage advertising the prohibition on the sale of controlled items. Penalties for non-compliance further aim to reduce violent crime in the community.

The proposed amendments are rationally connected to the legitimate ends identified above and therefore satisfy section 13(2)(c) of the HR Act.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available ways to achieve the purpose of the Bill. Despite, the implementation of a number of strategies to reduce knife crime in the community, the rate at which young people possess and use knives and other weapons has not significantly changed. Of particular concern is the number of young people possessing knives in public. In the 2022-23 financial year, 2,177 offences involving a knife by a person under 18 years of age were actioned by police. The magnitude of this offending included 4 murders, 4 attempted murders, 268 assaults, 356 robberies and 752 offences against the person<sup>6</sup>.

The amendments in this Bill do not introduce further restrictions regarding the possession of knives and weapons. It simply prohibits the sale of these items to young people as a means to decrease violent offending.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The amendments in the Bill potentially limit a number of human rights in relation to the sale and purchase of knives and other weapons by children. However, the limitation is considered appropriate taking into account the importance of preserving life.

The right to life is enshrined not only in section 16 of the HR Act, but also in Article 6 of the United Nations International Covenant on Civil and Political Rights. Article 6 states that *‘Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.’*<sup>7</sup> The limitation imposes a positive duty in relation to section 16 HR Act which is fulfilled by prohibiting the sale of knives and other weapons to a person under the age of 18 years.

Children are by virtue of their age, vulnerable and therefore entitled to special protection. This protection has been ratified through the United Nations Covenant on the Rights of the Child, which places an obligation on signatories *‘in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.’*<sup>8</sup> Furthermore, the way in which adolescent brains develop means that their *‘actions are guided more by the emotional and reactive amygdala and less by the thoughtful,*

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<sup>6</sup> QPS Statistical Services 31 August 2023

<sup>7</sup> United Nations International Covenant on Civil and Political Rights <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>8</sup> United Nations Convention on the Rights of the Child <https://www.unicef.org.au/united-nations-convention-on-the-rights-of-the-child>



*logical frontal cortex*<sup>9</sup> making them more likely act and impulse and less likely to think before they act and consider the consequences of their actions.

Reducing violent crime where children are both the perpetrators and the victims requires an approach that does not continue to draw children into the criminal justice system. The amendments in the Bill achieve this by focusing on reducing the availability of weapons to people under 18 years of age and encouraging community awareness and compliance in securing these dangerous items.

(f) any other relevant factors

Penalties relating to controlled items increase based on recidivism. For example, a seller who continues to sell prohibited items to a person under the age of 18 years will be liable to an increased penalty up to 420 penalty units for a third or later offence. An employee of the seller will be liable to a penalty of up to 40 penalty units for a second and subsequent offence. All offences under the SOA are simple offences.

Any controlled items that are seized under the new provisions can only be forfeited to the State if a court finds the person guilty of an offence related to the new provisions.

*Amendments to the SOA reversing the onus of proof in relation to a defence under the new sections 19G(3) and 19I(3)*

(a) the nature of the right

The new sections 19G and 19I may impact upon section 32 of the HR Act by interfering with a person's right to be presumed innocent until proven guilty according to law. The presumption of innocence imposes on the prosecution the burden of proving a criminal charge and guarantees guilt cannot be presumed until the charge has been proved beyond a reasonable doubt. This principle is also contained in article 14(2) of the International Covenant on Civil and Political Rights. Although this right is traditionally understood as applying directly to a charge for a criminal offence, it is also relevant when considering a reversed onus in relation to a defence for the charge. A reverse onus provision will not necessarily violate the presumption of innocence, provided that the law is not unreasonable in the circumstances and maintains the rights of the accused.

The new sections 19G and 19I contained within the Bill introduce new offence provisions prohibiting the sale of controlled items to minors. Under these provisions, it is a defence to these charges if the person can prove that the minor was required to produce acceptable evidence of age to purchase a controlled item, which was appropriately sighted, and there was no reason to believe the purported evidence was false. In applying this defence, the onus is reversed as the accused is required to prove the requisite elements necessary to establish the defence.

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<sup>9</sup> American Academy of Child and Adolescent Psychiatry  
[https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx)

Whilst the prosecution must still prove an offence has been committed, by reversing the onus of proof in relation to the prescribed defences, this may be seen to interfere with or limit the presumption of innocence.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the new offences at sections 19G and 19I is to reduce the accessibility of knives and other dangerous items to young people, disrupt and deter violent offences, and enhance community safety.

Although these provisions require the accused to prove the elements of the defence have been met, this limitation is reasonably justified. The limitation is necessary due to the seriousness of youth offending involving knives and other weapons and the need to mitigate the risks of harm to the community.

Although an individual's rights in criminal proceedings under section 32 of the HR Act must be considered and upheld where possible, this right must be balanced in the context of the right to life under section 16 of the HR Act.

These amendments will assist with the preservation of the rights of others within the community, including their right to life, which is threatened by the use of knives and other controlled weapons in the hands of young offenders.

An analogous provision already exists within the SOA at section 23B which prohibits the sale of spray paint to minors. Under this section, a seller of spray paint accused of contravening this section must also prove the requisite elements of the defence under subsection (3). The proposed amendments are therefore consistent with established and longstanding offences within the Act, and arguably, are of greater importance due to the serious risk of harm the provisions are designed to counteract.

In considering the reasonableness of the limitation imposed on the individual by the reversed onus, it is noted that unlike more serious criminal offences that may result in a term of imprisonment, the maximum penalty in relation to either provision is confined to a financial penalty which is proportionate to the offence.

For an offence against section 19G, the maximum penalty is 140 penalty units (\$21,672) for a first offence, 280 penalty units (\$43,344) for a second offence, or 420 penalty units (\$65,016) for a third or later offence.

For an offence against section 19I, the maximum penalty is 20 penalty units (\$3,096) for a first offence, or 40 penalty units (\$6,192) for a second or later offence.

Additionally, it is appropriate in the circumstances for the onus to be placed upon the accused as the issue to be determined is particularly within the knowledge of the accused. The accused is best placed to establish:

- whether they (or their employee) required the minor to produce acceptable evidence of age;
- whether the minor produced acceptable evidence of age, or purported to produce acceptable evidence of age, indicating that they were not a minor; and
- whether the accused (or their employee) had no reason to believe the evidence was false.

Placing the onus on the accused to prove elements of the defence is reasonably justified when balanced against the need to institute strong measures to ensure compliance and create a strong deterrent. Knives and other controlled items continue to be used to commit violent offences which has resulted in serious injury and death.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation achieves its purpose, in that it provides a robust legislative framework and strong deterrent, which will support the successful implementation of these reforms. These amendments will increase the likelihood of compliance with the prohibition on the sale of controlled items to minors and reflects the seriousness of the offence.

These offences will assist in limiting the ability for young people to access knives and other weapons, including prohibiting access to Gel Blasters which are replica firearms and have been used in the commission of serious criminal offences, such as armed robberies.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive or reasonably available ways to achieve the purpose of the amendments.

If the provisions did not establish a clear responsibility and obligation upon a seller of controlled items to ensure compliance with the prohibition, the effectiveness of the amendments would be undermined, and the purpose of the Bill would not be achieved.

These amendments create accountability and strengthen the prospect of universal compliance, as they establish clear expectations within the community regarding the sale of controlled items to minors.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

As stated above, the purpose of the amendments is to reduce the accessibility of knives and other dangerous items to young people and disrupt and deter violent offences. The limitation on the rights of the individual in relation to the rights in criminal proceedings is justified as the limitation is considered reasonably necessarily to safeguard the community, including preserving the right to life as outlined in section 16 of the HR Act.

- (f) any other relevant factors

Nil.

## Conclusion

In my opinion, the Summary Offences (Prevention of Knife Crime) and Other Legislation Amendment Bill 2023 is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

**Mark Ryan**  
Minister for Police and Corrective Services  
Minister for Fire and Emergency Services

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